

REMARKS

This responds to the Office Action mailed on February 3, 2006, and the references cited therewith.

Claims 1, 10, 16, and 30 are amended, claims 6 and 26 are canceled; as a result, claims 1-5, 7-25, 27-34 are now pending in this application.

Claim Objection

Claim 31 was objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim. Responsive to the objection of claim 31, the claim 30 has been amended to remove the limitations recited in claim 31.

§103 Rejection of the Claims

Claims 1-7, 9-25 and 27-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vaidyanathan et al. (U.S. Publication No. 2004/0128155; hereinafter Vaidyanathan) in view of Ratterman et al. (WO 01/61601A1; hereinafter Ratterman).

Vaidyanathan does not present a statutory bar to the claims of the present application. Accordingly, Applicants do not admit that Vaidyanathan is prior art and reserve the right to swear behind Vaidyanathan at a later date. Nevertheless, Applicants respectfully submit that the claims are distinguishable over Vaidyanathan for the reasons set out below.

Applicants respectfully submit that claims 1-7, 9-25 and 27-34 should not be rejected under 35 U.S.C. § 103 for the reason that prior art references when combined do not teach or suggest all of the claim limitations of the independent claims of the present application.

To establish a **prima facie** case of **obviousness**, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Claim 16 includes the following limitations:

marking the feedback pertaining to the transaction as withdrawn if the one or more feedback cancellation criteria are satisfied; and

generating a user interface that presents the feedback pertaining to the transaction and an indication that the feedback pertaining to the transaction is withdrawn.

The following quote from Vaidyanathan may be relevant:

[0111] If the process is automated or if the parties agree to reputation repair, similar processes reputation correction module 34D interacts with electronic marketplace 18 to automate the removal or correction of feedback initially provided by one or both of the parties (152).

The above quote describes a reputation correction module. Specifically, the reputation correction module is described as interacting with an electronic marketplace to remove or correct the feedback.

Claim 16 requires marking feedback pertaining to a transaction as withdrawn and generating a user interface that presents the feedback pertaining to the transaction and an indication that the feedback pertaining to the transaction is withdrawn. Merely for example, “[i]n one embodiment, when a user requests to see all feedback left for some other user, cancelled feedback (if any) is displayed with a comment indicating that this feedback has been withdrawn” (Application, paragraphs 38, 71 and Figure 24). In contrast to the limitations of claim 16, the above quote from Vaidyanathan does not describe marking the feedback pertaining to the transaction as withdrawn and generating a user interface that presents the feedback pertaining to the transaction and an indication that the feedback pertaining to the transaction is withdrawn; but rather, removing the feedback and correcting the feedback. Marking the feedback as withdrawn is not the same as removing the feedback. Further, marking the feedback as withdrawn and generating a user interface that presents the feedback and an indication that the feedback is withdrawn is not the same as correcting the feedback. Vaidyanathan therefore cannot be said to teach or suggest the above quoted limitations of claim 16 because Vaidyanathan describes removing the feedback and correcting the feedback and claim 16 requires marking the feedback

as withdrawn and generating a user interface that presents the feedback and an indication that the feedback is withdrawn.

The above remarks are also applicable to a consideration of independent claims 1, 10 and 30.

In addition, if an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending there from is nonobvious and rejection of claims 2-7, 9, 11-15, 17-25, 27-29, and 31-34 under 35 U.S.C. § 103 is also addressed by the above remarks.

In summary, Vaidyanathan in combination with Ratterman does not teach or suggest each and every limitation of claims 1, 10, 16 and 30 as required to support rejections of the independent claims of the present application under 35 U.S.C. § 103.

References Cited but Relied Upon

Applicants need not respond to the assertion of pertinence stated for the references cited but not relied upon by the Office Action since these references are not made part of the rejections in this Office Action. Applicants are expressly not admitting to this assertion and reserve the right to address the assertion should it form part of future rejections.

Official Notice

The Office Action took official notice of the limitations of claim 28. Applicants respectfully traverse this official notice and request the Examiner to provide a reference that describes such limitations. Absent a reference, it appears that the Examiner is using personal knowledge, so the Examiner is respectfully requested to submit an affidavit as required by 37 C.F.R. § 1.104(d)(2).

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 408-278-4046 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date 7/3/2006

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This paper or fee is being filed on the date indicated above using the USPTO's electronic filing system EFS-Web, and is addressed to: The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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